

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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: 17 Misc. _____
IN THE MATTER OF THE APPLICATION OF :
EDUARDO LUCAS FORNACIARI :
FOR AN ORDER TO TAKE DISCOVERY :
PURSUANT TO 28 U.S.C. § 1782 :
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**EX PARTE APPLICATION FOR
AN ORDER PURSUANT TO 28 U.S.C. § 1782**

Applicant Eduardo Lucas Fornaciari (“Fornaciari”), an individual residing in Yerba Buena, Provincia de Tucumán, Argentina, respectfully moves this Court for an Order pursuant to 28 U.S.C. § 1782 (“Section 1782”) allowing Fornaciari to issue subpoenas pursuant to Fed. R. Civ. P. 30 and Fed. R. Civ. P. 45, directing Reid Rhodes (“Rhodes”), JPMorgan Chase Bank, N.A. (“JPMorgan”), the Royal Bank of Canada (the “Royal Bank”), RBC Capital Markets LLC (“RBC”), and BNP Paribas (Suisse) S.A. (“BNP Paribas”) to produce documents and give testimony for use in a civil proceeding (the “Argentine Proceeding”) that is currently pending before the National First Instance Labor Court No. 38, seated at Tte. Gral. Juan Domingo Peron No. 990, Piso 8, Ciudad Autónoma de Buenos Aires, República Argentina, Sole Secretariat (the “Argentine Tribunal”).

This application meets all of the statutory and discretionary requirements for obtaining discovery pursuant to Section 1782. Rhodes, JPMorgan, the Royal Bank, RBC, and BNP Paribas reside and may be found in the Southern District of New York. Fornaciari seeks discovery for use in the Argentine Proceeding pending before the Argentine Tribunal. Rhodes, JPMorgan, the Royal Bank, RBC, and BNP Paribas are not parties to the Argentine Proceeding, Fornaciari is not attempting to circumvent any requirements of the Argentine Tribunal, the receptivity of Argentine courts to United States federal judicial assistance may be inferred from

Letters Rogatory issued by the Argentine Tribunal and from various treaties, and the discovery sought is not unduly burdensome or intrusive.

In support of his application, Fornaciari submits the Declaration of Lucas José Battiston, dated December 27, 2017, with the exhibits annexed thereto, the Declaration of Kathleen M. Kunder, Esq., dated December 28, 2017, with the exhibits annexed thereto, and Fornaciari's Memorandum of Law in support of his application. A Proposed Order is also submitted herewith.

WHEREFORE, Fornaciari respectfully requests that this Court enter an Order:

1. Granting Fornaciari's application to take discovery from Rhodes, JPMorgan, the Royal Bank, RBC, and BNP Paribas, pursuant to 28 U.S.C. § 1782(a);
2. Directing that subpoenas for the production of documents and for deposition testimony be issued to Rhodes, JPMorgan, the Royal Bank, RBC, and BNP Paribas (collectively, the "Subpoenas") in accordance with the Federal Rules of Civil Procedure and served together with a copy of this Court's Order, and that the Subpoenas provide for the production of documents and the taking of deposition testimony concerning the compensation paid to Fornaciari in connection with his employment with Citromax S.A.C.I.;
3. Appointing Kathleen M. Kunder, Esq. to issue the Subpoenas to obtain such discovery from Rhodes, JPMorgan, the Royal Bank, RBC, and BNP Paribas, pursuant to the Federal Rules of Civil Procedure;
4. Appointing Kathleen M. Kunder, Esq. as examiner to receive the requested documents from Rhodes, JPMorgan, the Royal Bank, RBC, and BNP Paribas, and


to take the deposition testimony of Rhodes, JPMorgan, the Royal Bank, RBC, and BNP Paribas, pursuant to the Federal Rules of Civil Procedure;

5. Appointing Kathleen M. Kunder, Esq. to return to the Argentine Tribunal the documents produced pursuant to the Subpoenas, as well as any certifications of the authenticity of any documents produced and any transcripts of any depositions taken pursuant to the Subpoenas; and
6. Providing that this Court will retain such jurisdiction as is necessary to effectuate the terms of the Subpoenas or any additional subpoenas that may be requested or ordered for use in the Argentine Proceeding.

Dated: December 28, 2017

Respectfully submitted,

FOX HORAN & CAMERINI LLP
Attorneys for Applicants

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